

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CN INVESTORS LLC, a Nevada limited  
liability company,

Plaintiff(s),

v.

CN INVESTORS LLC, an unknown business  
entity,

Defendant(s).

Case No.2:25-CV-533 JCM (EJY)

TEMPORARY RESTRAINING ORDER

Presently before the court is plaintiff CN Investors LLC's motion for temporary restraining order ("TRO"). (ECF No. 9). Defendant CN Investors LLC has not responded.

**I. Background**

This action arises from defendant's alleged fraudulent use of the "CN Investors LLC" mark (the "infringing mark"). The following allegations derive from plaintiff's complaint. Plaintiff owns Chateau Nightclub LLC and manages multiple restaurants on the Las Vegas Strip. (*See* ECF No. 1). Defendant is impersonating plaintiff and is fraudulently marketing itself as a financial investment company using the name "CN Investors LLC." (*Id.*).

Defendant's website lists a Las Vegas, NV address (formerly plaintiff's address) and plaintiff's Nevada business ID and entity numbers assigned by the Nevada Secretary of State. (*Id.*). Multiple consumers have been deceived by defendant into believing they were interacting with plaintiff. (*Id.*).

Plaintiff's complaint charges defendant with (1) a violation of the Nevada Deceptive Trade Practices Act; (2) false designation of origin and unfair competition; (3) Nevada state and common law trademark infringement and unfair competition; (4) a second violation of the Nevada

1 Deceptive Trade Practices Act; and (5) cybersquatting. This court denied plaintiff's first motion  
2 for TRO without prejudice. (ECF No. 8). Plaintiff now renews its request for a TRO. (ECF No.  
3 9).

## 4 **II. Legal Standard**

5 Under Federal Rule of Civil Procedure 65, a court may issue a TRO when the moving party  
6 provides specific facts showing that immediate and irreparable injury, loss, or damage will result  
7 before the adverse party's opposition to a motion for preliminary injunction can be heard. Fed. R.  
8 Civ. P. 65. "Injunctive relief is an extraordinary remedy and it will not be granted absent a showing  
9 of probable success on the merits and the possibility of irreparable injury should it not be granted."  
10 *Shelton v. Nat'l Collegiate Athletic Assoc.*, 539 F.2d 1197, 1199 (9th Cir. 1976).

11 "The purpose of a [TRO] is to preserve the status quo before a preliminary injunction  
12 hearing may be held; its provisional remedial nature is designed merely to prevent irreparable loss  
13 of rights prior to judgment." *Estes v. Gaston*, No. 2:12-cv-1853-JCMVCF, 2012 WL 5839490, at  
14 \*2 (D. Nev. Nov. 16, 2012); *see also Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d  
15 1415, 1422 (9th Cir. 1984).

16 This court must consider the following elements in determining whether to issue a TRO  
17 and preliminary injunction: (1) a likelihood of success on the merits; (2) likelihood of irreparable  
18 injury if preliminary relief is not granted; (3) balance of hardships; and (4) advancement of the  
19 public interest. *Winter v. N.R.D.C.*, 555 U.S. 7, 20 (2008); *Stanley v. Univ. of S. California*, 13  
20 F.3d 1313, 1319 (9th Cir. 1994); Fed. R. Civ. P. 65 (governing both TROs and preliminary  
21 injunctions).

22 The party seeking the injunction must satisfy each element; however, "the elements of the  
23 preliminary injunction test are balanced, so that a stronger showing of one element may offset a  
24 weaker showing of another." *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th  
25 Cir. 2011). "Serious questions going to the merits and a balance of hardships that tips sharply  
26 towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also  
27 shows that there is a likelihood of irreparable injury and that the injunction is in the public interest."  
28 *Id.* at 1135 (internal quotations marks omitted).

1 Finally, to obtain injunctive relief, plaintiff must show it is “under threat of suffering  
 2 ‘injury in fact’ that is concrete and particularized; the threat must be actual and imminent, not  
 3 conjectural or hypothetical; it must be fairly traceable to the challenged action of the defendant;  
 4 and it must be likely that a favorable judicial decision will prevent or redress the injury.” *Ctr. for*  
 5 *Food Safety v. Vilsack*, 636 F.3d 1166, 1171 (9th Cir. 2011) (quoting *Summers v. Earth Island*  
 6 *Inst.*, 555 U.S. 488 (2009)).

### 7 **III. Discussion**

#### 8 **A. Issuance of TRO ex parte**

9 As an initial matter, plaintiff filed its motion for TRO ex parte. (*See* ECF No. 9). Under  
 10 Rule 65(b), a court may issue an ex parte TRO if (1) “specific facts in an affidavit or a verified  
 11 complaint clearly show that immediate and irreparable injury, loss, or damage will result to the  
 12 movant before the adverse party can be heard in opposition”; and (2) “the movant’s attorney  
 13 certifies in writing any efforts made to give notice and the reasons why it should not be required.”  
 14 Fed. R. Civ. P. 65(b); *Reno Air Racing Ass’n v. McCord*, 452 F.3d 1126, 1130 (9th Cir. 2006).

15 The court, having considered the complaint, plaintiff’s motion, supporting declarations,  
 16 and accompanying exhibits, finds that the issuance of an ex parte TRO is appropriate. Defendant  
 17 is unlawfully using plaintiff’s mark, thereby confusing consumers into potential scams and identity  
 18 theft. A TRO ensures that defendant is unable to cause further irreparable harm to plaintiff.

#### 19 **1. Plaintiff’s trademark and competition claims**

20 First, plaintiff is likely to succeed on the merits of its trademark infringement and  
 21 competition claims. To prevail on a trademark infringement claim, plaintiff must show: (1) it has  
 22 a valid, protectable mark; and (2) defendant’s use of the mark is likely to cause consumer  
 23 confusion. *See Brookfield Commc’ns, Inc. v. W. Coast Entm’t Corp.*, 174 F.3d 1036, 1047, 1053  
 24 (9th Cir. 1999).<sup>1</sup>

25 In the absence of federal registration, plaintiff must be the first to use its mark in commerce  
 26 and such use must be lawful. *See S. Cal. Darts Ass’n v. Zaffina*, 762 F.3d 921, 926, 930-32 (9th

---

27  
 28 <sup>1</sup> The court analyzes plaintiff’s federal and state law trademark infringement claims under  
 the same standard. *See Caesars World, Inc. v. Milanian*, 247 F. Supp. 2d 1171, 1193 (D. Nev.  
 Feb. 19, 2003).

1 Cir. 2014). It cannot be disputed that plaintiff was the first to lawfully use the CN Investors LLC  
2 mark. Thus, the first element is satisfied.

3 Second, after considering the factors set forth in *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d  
4 341 (9th Cir. 1979), plaintiff is likely to prove that defendant's use of the mark is likely to cause  
5 consumer confusion. Here, the two marks are identical; plaintiff's mark is strong; and plaintiff  
6 has presented evidence of actual confusion in the marketplace. (*See* ECF No. 9).

7 2. Plaintiff's cybersquatting claim

8 Plaintiff is also likely to succeed on the merits of its anti-cybersquatting claim. Under Anti-  
9 Cybersquatting Consumer Protection ("ACPA"), "cybersquatting occurs when a person other than  
10 the trademark holder registers the domain name of a well-known trademark and then attempts to  
11 profit from this by either ransoming the domain name back to the trademark holder or by using the  
12 domain name to divert business from the trademark holder to the domain name holder." *Bosley*  
13 *Medical Institute, Inc. v. Kremer*, 403 F.3d 672, 680 (9th Cir. 2005) (quoting *Daimler Chrysler v.*  
14 *The Net Inc.*, 388 F.3d 201, 204 (6th Cir. 2004)).

15 To prevail on its cybersquatting claim, plaintiff must prove "(1) registration of a domain  
16 name, (2) that was 'identical or confusingly similar to' a mark that was distinctive at the time of  
17 registration," and (3) "a bad faith intent to profit from that mark." *GoPets Ltd. v. Hise*, 657 F.3d  
18 1024, 1030 (9th Cir. 2011) (quoting 15 U.S.C. § 1125(d)(1)).

19 Here, the first two elements are satisfied. Defendant has registered a domain name that is  
20 nearly identical to plaintiff's name. (*See* ECF No. 9). Moreover, plaintiff has presented sufficient  
21 evidence of bad faith. Defendant appears to be operating a fraudulent website with the intent to  
22 divert consumers to scams or identity theft. (*See id.*).

23 3. Second, third, and fourth TRO elements

24 Second, allowing defendant to continue to use plaintiff's mark would result in immediate  
25 and irreparable injury to plaintiff in the form of loss of income, loss of goodwill, damage to its  
26 reputation, and damage to its business relationships.

27 Third, the balance of hardships in this case favors plaintiff. Denying plaintiff's request for  
28 a TRO would cause significant hardship because of the irreparable harm that would result from

1 defendant's continued use of the infringing mark. Moreover, granting plaintiff's request will not  
2 cause significant hardship to defendant.

3 Fourth, public policy weighs in favor of issuing a TRO. Because trademark law seeks to  
4 prevent consumer confusion, a TRO would serve the public interest. *See generally* 15 U.S.C. §  
5 1125(a)(1).

6 B. Plaintiff's bond

7 The issuance of a TRO is conditioned on the movant posting security "in an amount that  
8 the court considers proper to pay the costs and damages sustained by any party found to have been  
9 wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). "The district court is afforded wide  
10 discretion in setting the amount of the bond, and the bond amount may be zero if there is no  
11 evidence the party will suffer damages from the injunction." *Conn. Gen. Life Ins. Co. v. New*  
12 *Images of Beverly Hills*, 321 F.3d 878, 882 (9th Cir. 2003).

13 Further, a strong likelihood of success on the merits may favor "a minimal bond or no bond  
14 at all." *California v. Tahoe Regional Planning Agency*, 766 F.2d 1319, 1326 (9th Cir. 1985). Here,  
15 plaintiff will likely succeed on the merits of its claims, and a TRO would impose a limited hardship  
16 on defendant. Thus, there is a low probability that defendant will suffer damages caused by an  
17 improperly granted TRO. The court therefore declines to order a bond in this case.

18 C. Non-parties Verisign, Inc., NameSilo, LLC, and NameCheap, Inc.

19 This court denied plaintiff's first motion for TRO. (ECF No. 8). Specifically, this court  
20 found that plaintiff failed to meet its burden of proving that non-parties Verisign, Inc., NameSilo,  
21 LLC, and NameCheap, Inc. qualify as "persons bound" under Rule 65(d). (*Id.*). Plaintiff has now  
22 met its burden proving that this court may order these non-parties to comply with this TRO. (ECF  
23 No. 9 at 20).

24 **IV. Conclusion**

25 Accordingly,

26 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for  
27 temporary restraining order (ECF No. 9) be, and the same hereby is, GRANTED.

28 IT IS FURTHER ORDERED that plaintiff's motion for preliminary injunction (ECF No.

1 6) is DENIED as moot.

2 IT IS FURTHER ORDERED that, pending a decision on plaintiff's motion for preliminary  
3 injunction, defendant and its employees, officers, directors, agents, servants, attorneys, successors,  
4 and assigns, and all other persons acting in active concert or participation with it, are hereby  
5 immediately, temporarily restrained from infringing the CN mark. Specifically, defendant is  
6 hereby temporarily restrained from (1) using in commerce, including registering or trafficking in  
7 any domain names containing, the infringing mark or CN mark, any website or advertisement  
8 incorporating the infringing mark or CN mark, or any other confusingly similar trademark to the  
9 CN mark; (2) engaging in any other conduct which will cause, or is likely to cause, confusion,  
10 mistake, deception, or misunderstanding as to the affiliation, connection, association, origin,  
11 sponsorship, or approval of defendant's fraudulent businesses, services, or products with the CN's  
12 services provided under the CN mark; and (3) otherwise infringing upon the CN mark, falsely or  
13 deceptively advertising, or unfairly competing with CN in any manner whatsoever.

14 IT IS FURTHER ORDERED that VeriSign Inc. (the .com registry) and/or NameSilo (the  
15 domain name registrar) shall immediately (1) place the domain name on serverHold and  
16 serverTransferProhibited; (2) disable the name server information for the domain name so that it  
17 is no longer accessible to Internet users; and (3) unmask and reveal to CN's counsel all registration  
18 and contact information associated with the domain name, pursuant to Uniform Domain Name  
19 Dispute Resolution Policy Section 3(b) adopted by the Internet Corporation for Assigned Names  
20 and Numbers ("ICANN"), to which NameSilo is bound under ICANN's Registrar Accreditation  
21 Agreement Section 3.8, and which requires NameSilo to take action on infringing domain names  
22 upon court order.

23 IT IS FURTHER ORDERED that VeriSign Inc. and/or NameCheap (the domain name  
24 registrar) shall immediately (1) place the domain name on serverHold and  
25 serverTransferProhibited; (2) disable the name server information for the domain name so that it  
26 is no longer accessible to Internet users; and (3) unmask and reveal to CN's counsel all registration  
27 and contact information associated with the domain name, pursuant to Uniform Domain Name  
28 Dispute Resolution Policy Section 3(b) adopted by ICANN, to which NameCheap is bound under

1 ICANN's Registrar Accreditation Agreement Section 3.8, and which requires NameCheap to take  
2 action on infringing domain names upon court order.

3 IT IS FURTHER ORDERED that given the registrant(s) of the infringing domain names  
4 must maintain accurate contact information with the domain name registrars, plaintiff may serve  
5 the summons, complaint, motion for a TRO, and this TRO on defendant to the e-mail addresses  
6 included in the domain registration data for both of the infringing domain names and on the  
7 "Contact Us" pages for both of the infringing domain names.

8 IT IS FURTHER ORDERED that defendant SHOW CAUSE, in writing, why plaintiff's  
9 preliminary injunction (ECF No. 10) should not be granted by May 2, 2025, which shall also  
10 constitute its opposition to plaintiff's motion. Any reply shall be filed on or before May 7, 2025.

11 IT IS FURTHER ORDERED that this temporary restraining order shall expire fourteen  
12 (14) days after entry.

13 DATED April 25, 2025.

14 TIME: 1:30 p.m.

15   
16 \_\_\_\_\_  
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28